

## News :

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New Hampshire Administrative rule, [CHAPTER Lab 800 PAYMENT OF WAGES AND REQUIREMENTS OF EMPLOYERS](#), has been readopted with amendments. The rule sets out requirements for employers and employees as to the employer's responsibilities relating to the notification of and payment of wages along with record-keeping requirements, including the frequency and method of the payment of wages. The rule provides clarification of prorating salaried employees' pay, as well as exemptions from the term "employee", and identifies circumstances when an employee may be paid less than two hours pay. The rule also defines key terms used in the Minimum Wage and Protective Legislation laws. Definitions such as "personnel files" are included. This rule sets out requirements for the application procedure when applying for a special authorization from the Department for students participating in non-paid practical experience, and, based on an addition to the law, the amendment added requirements for non-paid practical experience/training programs for individuals with disabilities. The rule describes the application forms, the information required, how it is evaluated, and how the Department responds. Lab 804, the application procedure for a sub-minimum wage rate, was repealed based on the repeal of RSA 279: 22, the statute that allowed an employer to apply for a waiver to pay a subminimum wage to workers with disabilities.

### **The major changes are as follows:**

- The definition of "any week" in Lab 802.02 has been reworded to correctly match the statute.
- The definition of "disabled" in Lab 802.04 has been repealed based on passage of SB 47, Chapter 40, and effective July 6, 2015 and as a result, the subsequent paragraphs were renumbered accordingly.
- In Lab 803.02 (e) the intent that the rule applies to all uniforms provided by employers has been clarified.
- Lab 803.02 (g) has been inserted to clarify that tipped employees may be paid a sub-minimum wage rate only when doing work incidental to the regular duties serving the customer.
- Lab 803.03 (f) (6) has been amended to add "signed by the employee" to clarify the requirement that a signed copy of notifications to employees be maintained.
- Lab 803.03 (i) has been reworded to clarify the conditions of an exemption to RSA 275:43-a
- Lab 804 has been repealed based on passage of SB 47, effective July 6, 2015.
- Lab 805 on the application procedure for approval of a sub-minimum wage or no wage rate in accordance with RSA 279:22-aa has been amended based on passage of HB 401, Chapter 98, effective, July 26, 2011 by adding the approval process for the programs for individuals with disabilities to establish practical experience.